

Data Protection Policy

Sharing Pupil Information

School, the LEA & the DfES are all data controllers under the Data Protection Act 1998 in that they process personal data i.e. data that identifies people individually. This policy relates specifically to personal data about pupils, although personal data may also be held on other groups such as teaching and non teaching staff, and similar considerations with respect to fair processing applies to them.

Data controllers have to provide data subjects i.e. the pupils in this case with details of the data that they hold on them, the purposes for which they hold that data and any third parties to whom it may be passed on. This is referred to as a fair processing notice:-

- Details of the data they hold on them.
- The purposes for which they hold the data.
- Any third parties to whom the information may be passed.

Autumn Term

The following procedures are required to be completed by school in the autumn term.

1. Issue a fair processing notice letter to the parents of all current pupils as soon as possible this term. Please see sample letter attached. Appendix 1
2. Ensure that this notice refers to processing carried out by the LEA, the DfES, as well as by school. The sample letter makes reference to each of these organisations.
3. Issue the same notice to the parents of new pupils on an ongoing basis as part of the enrolment process.

Copyright

- Covers any creative work e.g. books, song, software.
- The law prevents others copying work and exploiting materials without the owner's consent
- Copyright exists automatically
- Copyright owners should state what is allowed users must adhere to- license conditions
- The fact that there is no copyright statement does not mean resources can be copied.

The need for permission:-

- Legally purchased software allows one back up copy and installation is allowed by the specified licence purchaser.



- Fair dealing covers reasonable use for private study/research, this does not include multiple copies made for sale or copies made for publicity.

Website Copyright:-

- When using websites, linking to the home page first is recommended.
- Linking to a specific resource on a web site can be more complex than copyright. If the resource is used in the school website, this may lead to misrepresentation. Permission is required.
- It is breach of copyright to copy a website onto a computer in school without the express permission of the copyright holder.
- Using resources from a CD ROM within teaching resources may be restricted by the End User Licence Agreement- this specifies how the content can be used. Read it carefully.
- Downloading and using internet resources may be subject to a context copyright that says that a picture associated notes cannot be used without the notes.
- Check websites for a copyright statement or conditions of use.
- Where appropriate, children should be aware of copyright. They should reference resources they use for research. They should know it is illegal to download, burn CD's with images and distribute these images, sound and movies. Peer to peer sharing of such resources is also illegal
- Study information skills are an important part of learning how to use the information found on the internet.

Copyrighting School Resources:-

- Every school website requires a copyright statement.
- It is necessary to know which parts are copyright to the web designer.
- The copyright of resources created by teachers in the course of their employment generally belongs to the school. Materials created outside school and not using school materials rest, with the individual.
- School can use a copyright statement for the website, school documentation etc.

Software Copyright:-

- The software licence gives rights to use a piece of software under the terms it was purchased.
- Licences are important documents, they should be kept safely and referred to for terms and conditions.
- Maintain a software inventory.
- Do not loan software.



Data Protection

The 1998 Data Protection Act updated the rules and regulations on the protection of the individual and extended the principles to apply to all personal data that is processed.

Data Protection:-

- The data protection Act 1998 applies to schools.
- School registers at a cost of £35 pa.
- Copies of each pupil's records now form part of the his/her educational record. This must be updated at least once a year.
- Pupils are entitled to request a copy of their records, free of charge or at no greater cost than supplying it. This should be made available within 15 days of the request.
- Parents can also request a copy of the records.

Data Protection Principles apply to paper files as well as electronic data. Data must not be transferred to countries that do not have adequate protection.

The following 7 principles apply to data protection:-

- Fairly and lawfully processed
- Processed for limited purpose
- Adequate, relevant and not excessive
- Accurate
- Not kept longer than necessary
- Processed in accordance with subject's rights
- Not transferred to countries without adequate protection.

The DPA prevents disclosure of the following:-

1. Materials which may cause serious harm (mental or physical).
 2. Materials containing actual or suspected child abuse.
 3. References.
 4. Reports by a school to a juvenile court.
- The security principle bullet point 7 means that within Leicestershire any transfer of pupil data between the LEA and school should be done via the AVCO system, for encryption.
 - No emails are allowed without encryption.
 - Any computer which can access the school admin network should be kept secure so unauthorised users may not gain access.

Passing on Information

Schools hold information about children and adults and they process it in a number of ways to improve the quality and standard of their



provision. Information is passed electronically from schools to LEAs and examination boards. The Children and Young People's Unit requires local authorities where necessary to share information with other local government partners to identify children and young people in potential danger of social exclusion.

All personal data needs to be kept secure and made available only to those who are authorised to access it. This raises a number of issues:-

- Compliance with the Data Protection Act.
- Agencies receiving information must adhere to the 7 principles.

Safe Disposal

An aspect of data security that can be overlooked, relates to the disposal of computing equipment and LEAs and schools have a responsibility to dispose of it adequately. Deleting files is insufficient. It is essential to employ the services of a technician to remove all unwanted data from the hard drive and all discs should be smashed.

Freedom of Information Act

This act gives a general right of access to all types of recorded information held by public authorities, sets out exemptions from that right and places a number of obligations on public authorities. Local Authorities will have two main responsibilities under the act:-

- They have to produce a 'publication scheme' (effectively a guide to the information they hold which is publicly available).
- They have to deal with individual requests for information.

As a school we are to respond to requests for information in writing only and will only be duty bound to provide information which the LEA agrees is appropriate i.e. not areas that the act deems exceptions. These exceptions revolve around the test of prejudice and that of public interest.

The Governing Body is charged with deciding what comprises a pupil record, what does not need to be disclosed and the roles of those involved in entering, processing and storing personal data on pupils.



Appendix 1

Fair processing notice

DATA PROTECTION ACT

Dear Parent,

This letter contains important details summarising how your child(ren)'s school will use the various information it holds about him/her/them. This includes information about the various agencies (including Leicestershire County Council) with whom the school is required to share some of this pupil data.

If you have any specific queries these should be directed to the school in the first instance.

Newbold Verdon Primary School processes personal data about its pupils and is a "data controller" in respect of this for the purposes of the Data Protection Act 1998. It processes this data to:

- support its pupils' teaching and learning;
- monitor and report on their progress;
- provide appropriate pastoral care, and
- assess how well the school as a whole is doing.

This data includes contact details, national curriculum assessment results, attendance information, characteristics such as ethnic group, special educational needs and any relevant medical information.

This data may only be used or passed on for specific purposes allowed by law. From time to time the school is required to pass on some of this data to local authorities, the Department for Children, Schools and Families (DCSF), and to agencies that are prescribed by law, such as the Qualifications and Curriculum Authority (QCA), Ofsted, the Learning and Skills Council (LSC), the Department of Health (DH) and Clinical Commissioning Groups. All these are data controllers in respect of the data they receive, and are subject to the same legal constraints in how they deal with the data.

Pupils, as data subjects, have certain rights under the Data Protection Act, including a general right to be given access to personal data held about them by any data controller. The presumption is that by the age of 12 a child has sufficient maturity to understand their rights and to make an access request themselves if they wish. A parent would normally be expected to make a request on a child's behalf if the child is younger.



If you wish to access your personal data, or that of your child, then please contact the relevant organisation in writing. Details of these organisations can be found via the website link referred to in the next

paragraph or for those pupils/parents where this is not practical, a hard copy can be obtained from the School.

Your attention is drawn to (Layer 2) of this Fair Processing Notice, which gives supplementary information about the processing of pupil data by the organisations mentioned above, and to the Full Notice (Layer 3) which gives greater details of how the pupil data is processed and the rights of parents and pupils. Either can be obtained from Leicestershire County Council's Website via the following link <http://www.leics.gov.uk/schoolsfpn> or a hard copy can be obtained from the School. Should you require this please contact the Head teacher at Newbold Verdon Primary School.

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